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In re Application of
Swartz
Application No. 09/750,765
Filed: December 28, 2000
For: METHOD AND APPARATUS TO
CONTROL ISOTOPIC FUEL LOADED
WITHIN A MATERIAL

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: Letter re Publication
:
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This is in reply to "Applicant's Request for Exception to Publication," which was filed on June 4, 2001.

Applicant's request cannot be granted.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

The Office has no statutory authority to accept a nonpublication request that was not filed on the filing date of the application. The application remains scheduled to publish on August 23, 2001.

The application is being returned to Group Art Unit 3641.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-3159.

Karin Tyson
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy